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Message Text

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PAGE 01 TOKYO 00817 211121Z

11
ACTION L-02

INFO OCT-01 EA-06 ISO-00 JUSE-00 RSC-01 SSO-00 /010 W
---------- 107202
O 211100Z JAN 75
FM AMEMBASSY TOKYO
TO SECSTATE WASHDC NIACT IMMEDIATE 7437

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E.O. 11652: N/A
TAGS: CPRS, PFOR, SNAR, JA
SUBJECT: JUDICIAL ASSISTANCE - JUSTICE DPT DEPOSITION

REF: TOKYO 0568 AND PREVIOUS

1. AFTER MORE THAN AN HOUR OF OBJECTIONS BY DEFENSE ATTORNEYS CONCERNING ALL ASPECTS OF DEPOSITION PROCEEDING, DIRECT EXAMINATION OF FIRST WITNESS WAS FINALLY COMPLETED AT 1530 HOURS.

2. BEFORE BEGINNING CORSSEXAMINATION DEFENSE ATTY. CECIL F. POOLE DEMANDED THAT PRESIDING OFFICER CUMMINGS ADJOURN OR POSTPONE THE PROCEEDINGS FOR THREE DAYS TO ENABLE DEFENSE TO CONDUCT A QUOTE LOCAL INVESTIGATION UNQUOTE WHICH HE CLAIMS IS ESSENTIAL TO PROTECT DEFENDANTS RIGHTS. HE STRONGLY CRITICIZED USG, EMBASSY, AND GOJ FOR LIMITATIONS PLACED ON DEFENDANTS AND YESTERDAY THREATENED TO REPORT ENTIRE MATTER TO NEWS MEDIA. CONSUL CUMMINGS REPLIED THAT HE HAD NO AUTHORITY TO POSTPONE PROCEEDINGS WITHOUT INSTRUCTIONS FROM HIGHER AUTHORITY AND WITHOUT AGREEMENT BY GOJ. POOLE THEN DEMANDED THAT EMBASSY REQUEST GOJ TO POSTPONE PROCEEDINGS AND THAT HE BE PERMITTED TO SPEAK TO THE AMBASSADOR.

3. UPON RECEIPT OF TELEGRAM ON 16 JAN FROM DEFENSE ATT TOPEL CONGEN CONTACTED GOJ CONCERNING DELAY TO INTERVIEW WITNESSES AND WAS INFORMED THAT ALL ARRANGEMENTS WERE FINAL AND DELAY WOULD NOT BE GRANTED. POINT WAS MADE THAT DEFENSE ATTORNEYS HAVE HAD AMPLE TIME AND NOTICE OF TAKING OF DEPOSITION AND COULD HAVE BEEN HERE EARLIER TO INTERVIEW WITNESSES. THIS SAME POINT
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WOULD BE REITERATED EVEN MORE STRONGLY IF USG ASKED FOR THREE

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DAYS TO ENABLE DEFENSE TO MAKE LOCAL INVESTIGATIONS.

4. IN VIEW OF THESE CIRCUMSTANCES EMB BELIEVES THERE IS
VIRTUALLY NO CHANCE THAT GOJ WOULD GRANT THREE DAY DELAY IN
PROCEEDINGS WITH ALL ITS CONSEQUENT EXPENSE AND DIFFICULTIES AND
FURTHER BELIEVES IT WOULD BE UNREASONABLE TO MAKE THIS REQUEST.

5. EMB WOULD APPRECIATE APPROPRIATE INSTRUCTIONS SOONEST. COMMENT:
IT IS POSSIBLE DEFENSE MAY ELECT TO WALK OUT AND IN THIS EVENT
EMB PRESUMES THAT PROSECUTION WOULD WANT TO PROCEED UNTIL IT
HAD COMPLETED ITS QUESTIONING.
HODGSON

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